



#5
Serial No. 09/779,497

Docket No.: 1095.1158 4/1/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuya NISHINO

Serial No. 09/779,497

Group Art Unit: 3624

Confirmation No. 5669

Filed: February 9, 2001

Examiner: Steven R. Wasylchak

For: ACCOUNTING METHOD

SUPPLEMENTAL RESPONSE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 26 2004

GROUP 3600

This Supplemental Response supplements the Amendment filed on April 21, 2003 (as re-submitted in June 20, 2003) in response to the Office Action mailed March 11, 2004, and setting a period for response to expire on April 11, 2004, in which the Examiner requested that remarks should point out why the newly added claim 10 is patentable over the prior art of record.

REMARKS

It is asserted that the Amendment filed April 21, 2003 (as re-submitted in June 20, 2003) expressly indicated that claim 10 provides an alternative recitation of the present invention directed to a software usage charging system, thereby being patentable for the same patentability reasons discussed regarding independent claims 1, 6, 8, and 9.

Claims 1-9 are rejected under 35 USC 102(b) as being anticipated by Campbell (US Patent No. 6,208,974). Campbell discloses a wellness plan administration software to manage a wellness plan for a medical service practice. In particular, Campbell's system manages services provided by a provider, such as a doctor, to a patient (also referred to as a client of the doctor).

However, Campbell does not perform the present invention's patentably distinguishing feature of billing a user for using a function of a software installed on a computer. In contrast to Campbell, the claimed invention provides "detecting . . . a function . . . of an application program installed on the client" (e.g., claims 1, 6, 8, 9, and new claim 10). Therefore, in contrast to Campbell, the present invention detects software functions, for example, performed by a user of